

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JACQUELINE FEGAN,)	
)	
Plaintiff,)	
)	
v.)	
)	Case No. 06 C 6767
ROBERT REID #17285, JAMES YOUNG #8883,)	
MICHAEL DREW #13167, and)	JUDGE LEFKOW
DENIS DOHERTY #8222, and the CITY OF)	
CHICAGO, a Municipal Corporation and Body)	Magistrate Judge Mason
Politic.)	
Defendants.)	

**DEFENDANTS' JOINT MOTION TO HAVE THIS COURT RULE ON DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT IN ADVANCE OF TRIAL**

Defendants, City of Chicago ("City") and Officers Robert Reid, James Young, Michael Drew, and Denis Doherty ("Defendant Officers"), by and through their attorneys, Thomas Leinenweber of Leinenweber & Baroni, and Susan Sullivan of Swanson, Martin & Bell, LLP, respectfully request that this Honorable Court set a briefing schedule on Defendants' Motion for Partial Summary Judgment and rule upon Defendant's Partial Motion for Summary Judgment in advance of trial. In support, Defendants state as follows:

1. On April 7, 2009, this Court granted Defendants' leave to file a Partial Motion for Summary Judgment ("Defendants' Motion"). (*See* Docket Entry No. 126). The Court further ordered that Defendants' Motion will be taken with trial. *Id.*

2. At the time this Court ruled that Defendants' Motion would be taken with trial, trial was set to begin on April 27, 2009; however the trial date was subsequently vacated by the Court on April 17, 2009. (*See* Docket Entry No. 134). The prospective three week trial is currently set to begin on October 5, 2009. (*See* Docket Entry No. 138).

3. Defendants' Motion stands to completely dispose of the City of Chicago as a party

in this case and dispose of numerous counts against the Defendant Officers.

4. As previously set forth in Defendants Motion for Leave to File the Motion for Partial Summary Judgment, there appears to be no question of a material fact precluding a ruling on the majority of Plaintiff's claims as a matter of law. Thus the ruling on the Motion in advance of trial will preclude a lengthy, fact-intensive, three week jury trial. Indeed, the Motion was filed months ago and needs only the response of Plaintiff and reply of Defendants to bring the Motion to a ruling.

5. As noted in Defendants Motion for Leave to File the Motion, economics favor a disposition on summary judgment. The proposed motion is not factually or legally complex, has narrow issues of fact which are not in dispute, and will not require significant time and expense to address. To the contrary, a trial on all counts will consume about 3 weeks of time, involve a number of expensive and time consuming experts and witnesses and over a thousand pages in documents. If however the Court finds summary judgment on the false arrest claims, the reasonable outcome is that trial time goes from about 3 weeks to one week. Furthermore, the City of Chicago will likely be dismissed as a party altogether, thus eliminating any need for them to prepare for, and appear at, trial.

6. In addition, Defendants will be certainly be prejudiced if the jury hears multiple days of testimony regarding claims and parties that are ultimately dismissed before the jury renders a verdict. Despite any limiting instructions that may be given, it will be impossible for the jury to sort through the voluminous testimony and evidence and apply the evidence, without prejudice, to the proper claims and parties.

7. In light of the fact that the trial of this matter is still three months away, Defendants urge the Court enter an order providing for Plaintiff to respond to the Motion, for

Defendants' reply and set a date in advance of trial upon which this Court will rule upon Defendants' Motion.

WHEREFORE, Defendants, City of Chicago and Officers Robert Reid, James Young, Michael Drew, and Denis Doherty, by and through their attorneys, Thomas Leinenweber of Leinenweber & Baroni, and Susan Sullivan of Swanson, Martin & Bell, LLP, respectfully request that this Honorable Court set a briefing schedule on Defendants' Motion for Partial Summary Judgment and that this Honorable Court Rule upon Defendants' Motion for Partial Summary Judgment in advance of trial.

Respectfully submitted,

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Respectfully submitted,

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